

**Before the
FEDERAL COMMUNICATION COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Review by Colegio)	
Corazon de Maria)	Form 471 Application Nos. 452409
Decision of the Universal Service)	
Administrator)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

TO: Wireline Competition Bureau

REQUEST FOR REVIEW

Pursuant to Sections 54.719(c) and 54.721 of the Federal Communications Commission ("Commission" or "FCC") rules, 47 C.F.R. §§ 54.719(c) and 54.721 (2003), Colegio Corazon de Maria ("Corazon de Maria") hereby appeals the decision of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company to reduce the requested discount in Funding Year 2005 (07/01/2005 – 06/30/2006) for Internal Connections application number 452409

I. BACKGROUND

On February 18, 2004, Corazon de Maria filed a FCC Forms 471 with the SLD indicating the services for which it was requesting discounts under the schools and libraries universal service support mechanism (the "E-rate program").¹ On Block 4 of its Form 471 applications, Corazon de Maria indicated that 299 out of 183 students enrolled during the 2005-2006 academic year qualified for a free or reduced price lunch under the National School Lunch Program ("NSLP") and requested an 80% discount on all of its funding requests. During its review of

¹ FCC Form 471 No. 452409 for Colegio Corazon de Maria (Exhibit A).

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Colegio Corazon de Maria's application, the SLD requested documentation supporting the eligible discount rate for the school.² Specifically, the information requests Corazon de Maria, to provide the following information to validate the percentage of discount of 80%:

1. The total number of enrolled.
2. Total number of surveys/applications sent out
3. Number of survey/application returned
4. Total number of students that qualifies for the National School Lunch Program, using the Income Eligibility Guidelines (IEG) of the NSLP, per returned surveys/applications
5. Are the surveys/applications and results kept on file.
6. Provide a sample copy of the FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality.
7. A signed certification that reads: "I certify that only those students who meet the Income Eligibility of the National School Lunch Program have been included in Column 5 of item 10b, Block 4 (Worksheet A) of the Form 471."
8. The information must be in writing on the school letterhead and signed by a school official (such as the Principal, Vice – Principal Superintendent, Director of Food Services.

Although the request of was received by the school, Corazón de María failed to comply with the information due to changes in the Administration of the School. The SLD provided as explanation on the reason for the discount denial the following statement: **Services/Discount will not be funded.** Is not until the month of February that Corazón de María is addressed with additional information but this time the requests fell on application # 452409. The SLD assumed, although, it was specified on block 4 on FCC 471 application form number 452409, that Colegio did not qualified for an 80% percent of discount under the E-rate program.

II. THE SLD ERRED IN FAILING TO FOLLOW FCC PRECEDENT THAT REQUIRES THE SLD TO CONTACT COLEGIO CORAZÓN DE MARÍA TO REQUEST DOCUMENTATION TO SUPPORT THE REQUESTED DISCOUNT.

² See questions from Fabio Nieto, PIA Reviewer dated 11/29/2005, addressed to Gilberto Pérez (Exhibit B).

In answering the PIA's review questions, although Corazón de María did not provided the PIA the information and/or documentation requested and such information/documentation were to demonstrate the eligibility for the requested discount, the SLD evaluated Corazón de María without giving the opportunity to submit the evidence to support the requested discount.

In this case the SLD did not request Corazón de María additional information thus the SLD denied the applicant the opportunity to provide documentation to support statement in their review. Consistent with the information posted at

<http://www.sl.universalservice.org/reference/ApplealsSLDGuidelines.asp>, item 3 clearly states

that: *"When the appeal proved documentation to correct an incorrect SLD assumption made because there was insufficient information in the application file about an issue. In general, PIA will contact the applicant and ask for all information necessary to make decisions about an application. If that contact does not occur, however, and funding is denied based on an incorrect assumption, the SLD will grant an appeal when the appellant points out the incorrect assumptions and provides documentation about the issue that is consistent with information originally provided but also successfully resolves the ambiguity in the original file".*

III. THE SLD ERRONEOUSLY CONCLUDED THAT CORAZÓN DE MARÍA FAILED ON PROVIDING SUFFICIENT DOCUMENTATION TO DETERMINE ELIGIBILITY.

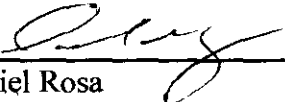
The SLD concluded that Corazón de María did not qualify for a discount based on a non submitted information, to which Corazón de María even though failed to provide because of reason of their control, but not been requested by the SLD, knowing that is a right for the school to be inquired again for what ever information is require in order to be approved in a fair manner.

IV. CONCLUSION

Corazon de Maria, therefore, request through this appeal the opportunity to submit the necessary information that will prove that it qualifies for the percentage requested in the application for Internet Access.

Respectfully submitted,

COLEGIO CORAZON DE MARIA

/s/ 

Daniel Rosa

Director, Colegio Corazón de Maria

PO Box 1776

Juncos, PR 00777

Tel: 787-734-5551

Fax: 787-713-9575

May 02, 2006

**Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display**

EXHIBIT A

Block 1

Block 2 & 3

Block 4

Block 5

Block 6

Misc

471 Application No: 452409

Form Status: CERTIFIED - In Window

Out of Window Letter Date: Not applicable

Funding Year: 07/01/2005 - 06/30/2006 Cert. Postmark Date: 02/18/2005

RAL Date: 03/14/2005

Applicant's Form Identifier: MARIAJUNCOS 05-02

Block 1: Billed Entity Information

Billed Entity Number: 200253

Applicant Name: Colegio Corazon de Maria

Address: Calle Fraternidad y Al

City: Juncos State: PR Zip: 00777

Contact Name: GILBERTO PEREZ

Address: CALLE MUNOZ RIVERA #85

City: CAGUAS State: PR Zip: 00725

Type of Application: SCHOOL

Ineligible Orgs: N

[Previous](#)[Display Entire Application](#)



Universal Service Administrative Company
Schools & Libraries Division

Date: 11/29/2005

Exhibit B

Dear: Gilberto Perez

Phone #- 787-743-1171

Application Number- 450013 (BEN- 157732), 451295 (BEN- 159938), 463208 (BEN- 199857), 475058 (BEN- 199864), 450448 (BEN- 199998), 450707 (BEN- 200008), 452066 (BEN- 200051), 449388 (BEN- 200062), 452375 (BEN- 200253), 450318 (BEN- 200273), 451622 (BEN-200279), 450746 (BEN- 216679), 485356 (BEN- 219945)

The Program Integrity Assurance (PIA) team is in the process of reviewing all Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the federal universal service program. We are currently in the process of reviewing your Funding Year 2005 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

1. For the Billed Entity listed below, we do not have the associated FCC Registration Number (FCC RN). The FCC, in its Fifth Report and Order, requires entities that currently participate in the Schools and Libraries Support Mechanism have an FCC Registration Number. This requirement applies to schools, libraries, non-instructional facilities, consortium leaders, service providers and consultants.

<u>BEN</u>	<u>FCC RN</u>
157732 (Academia Cristo De Los Milagros)	
159938 (Colegio San Benito)	
199857 (Colegio Catolico Notre Dame Elemental)	
199867 (Colegio San Jose Elemental)	
199998 (Academia San Alfonso)	
200008 (Academia Santa Teresita)	
200051 (Colegio Catolico La Merced)	
200062 (Colegio Santiago Apostol)	
200253 (Colegio Corazon de Maria)	
200273 (Colegio Nuestra Senora del Perpetuo Socorro De Humacao)	
200279 (Colegio San Francisco de Asis, Inc.)	
216679 (Colegio San Jose Secundario)	
219945 (Superintendencia Esuelas Catholicas Diocesis Caguas)	

If you already have an FCC Registration Number for your Billed Entity (the entity listed in Block 1 of the Form 471), please provide that FCC Registration Number.

If you do not yet have an FCC Registration Number, you can obtain one by applying to the FCC, at www.fcc.gov. Click on link for CORES (Commission Registration System), or go directly at the FCC CORES registration site at <https://svartifoss2.fcc.gov/corecs/CoresHome.html>.

After obtaining the FCC Registration Number, please provide us the FCC Registration Number.

Additional guidance on this topic and filing tips are located in the Reference area of our website, under "FCC Registration Numbers" <http://www.sl.universalservice.org/whatsnew/2004/102004.asp#102904>

You will need your Taxpayer Identification Number (TIN) to obtain an FCC Registration Number. For some employers, including state and local government agencies and non-profit organizations, the TIN is the IRS-issued Employer Identification Number (EIN).

2. For FRN 450013, 451295, 463208, 475058, 450448, 450707, 452066, 449388, 452375, 450318, 451622, 450746 & 485356 for Internet Access services, please provide a statement that the services will only be delivered to eligible users at eligible locations. The rules of this support mechanism do not allow for services or products to be provided to residential homes or other non-school/library facilities (i.e., students and teachers may not dial in from home to access the Internet; there can be no community access, etc). "Remote access" where users from any location use their own Internet account to access school or library information, is eligible for funding. If this funding request for Internet Access is strictly limited to services used only at eligible locations by eligible users, then please confirm in writing the following:

"The Internet Access service for which I seek discounts will be strictly limited to providing services only at eligible locations and used only by eligible users. Access to the Internet will not be provided to homes or other non-school or non-library sites."

Signed _____
Name _____
Title _____
Date _____ 2005

The above statement must be signed by the chief school official (such as the principal or superintendent). If you are unable to make such a certification, because the statement is not correct, please indicate such.

3. For the Internet Access funding requests on applications 450013, 451295, 463208, 475058, 450448, 450707, 452066, 449388, 452375, 450318, 451622, 450746 & 485356, I will need to know the make and model numbers of any equipment included in this request and that will be serviced under the maintenance charge.

Please also provide a Yes or No answer to the following 8 questions:

Based on the documentation provided it appears that there charges associated with on-premise equipment. The FCC has indicated that equipment at the applicant site is presumed to be Internal Connections, but that this presumption can be overcome in certain circumstances. In order for us to evaluate your request, please provide the following information. You may consult with your service provider for assistance, if desired. Please be sure to sign your response and list your title.

1. Is the leased on-premise equipment an integral component of a Telecommunications or Internet Access service?
2. Will the leased on-premise equipment be provided by the same service provider that provides the associated Telecommunications Service or Internet Access service?
3. Does responsibility for maintaining the equipment rest with the service provider?
4. Will ownership of the equipment transfer to the school or library in the future?
5. Does the relevant contract or lease include an option for the applicant to purchase the equipment?
6. Will the leased equipment be used at the applicant site for any purpose other than receipt of the eligible Telecommunications Services or Internet Access of which it is a part?
7. Will the school's or library's internal communications network function without dependence on the equipment?

8. Are there any contractual, technical, or other limitations that would prevent the service provider from using equipment that would normally be shared in other similar arrangements with other customers?

4. Based upon review of your Form 471 application, we were not able to validate your requested discount percentage of:

90% for Colegio Catolico Notre Dame Elemental

60% for Colegio San Jose Elemental

90% for Colegio Santiago Apostol

80% for Colegio Corazon de Maria

80% for Colegio Nuestra Senora del Perpetuo Socorro De Humacao

80% for Colegio San Francisco de Asis, Inc.

If you choose to validate your original requested discount percentage then please provide the appropriate documentation if one of the following acceptable methods were used:

A. If the school participates in a National School Lunch Program (NSLP), please provide us a signed copy (preferably by the Principal, Vice-Principal, Superintendent or chief school official, or Director of Food Services) of the October Reimbursement Claim Form that the school sends to the state each month. Make sure that the following 3 items are identified:

- 1) The Entity name
- 2) The total number of students enrolled at the entity
- 3) The total number of students eligible for Free/Reduced Lunch Program for the entity

If the school district fills out an aggregate form for the school district, provide the October Reimbursement Claim Form along with a signed letter from a school official (preferably the Superintendent (or chief school official)) that lists the enrollment and Free/Reduced information for each school in the district.

B. If the discount percentage was determined by information obtained from a survey/application, please provide the following information:

- 1) Total number of students enrolled
- 2) Total number of surveys/applications sent out
- 3) Number of surveys/applications returned
- 4) Total number of students qualified for NSLP per the returned surveys/applications
- 5) Are the surveys/applications and results kept on file.
- 6) Provide a sample copy of a FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality.
- 7) A signed certification that reads: "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 5 of Item 9a, of Block 4 of the Form 471."
- 8) This information must be in writing on school letterhead and signed by a school official (such as the Principal, Vice-Principal, Superintendent or chief school official, Director of Food Services).

C. If the discount was determined using a different method than what was identified above, please indicate the method that was used and provide all relevant data.

Please clearly state whether all Internet Access requests include the same equipment and meet the same guideline.

5. Based upon review of your Form 471 application, we were not able to validate your requested rural classification for Colegio Nuestra Senora del Perpetuo Socorro de Humacao. The discount percentage for an entity is based on the entity's rural/urban classification and the percentage of students that meet the income eligibility requirements of the National School Lunch Program (NSLP). If the rural classification cannot be verified, the entity will be classified as urban and the discount percentage requested will be modified. Please provide the entity's physical address, the county in which it resides, and any documentation supporting your request for a rural status.

6. For application 485356, FRNs 1345995 & 1346041, please provide a description of service (local and/ or long distance) and the amount you are requesting for each FRN.

Please fax or e-mail the requested information to my attention. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested so we can complete our review. **Failure to do so may result in a reduction or denial of funding.**

Should you wish to cancel this application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the application number and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Please send the requested information within seven calendar days. If you need additional time to prepare your response, please let me know as soon as possible.

Thank you for cooperation and continued support of the Universal Service Program.

Sincerely,

Fabio Nieto
Schools and Libraries Division
Program Integrity Assurance
Phone: 973-884-8094
FAX: 973-599-6579
fnieto@sl.universalservice.org

Colegio Corazon de Maria
Apartado 1776
Juncos, PR 00777



TOP OF ENVELOPE TO THE RIGHT
PRESS, FOLD AT DOTTED LINE
REGISTERED MAILTM



7002 2030 0000 7625 8574



TO: Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC

